

### REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-4 and 7-14 are pending in this application. Claims 5 and 6 are herein canceled without prejudice and new claims 11-14 are added for examination. Claims 1-10 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. patent application publication 2005/0028208 to Ellis et al. (herein "Ellis"). That rejection is traversed as now discussed.

Independent claims 1-4 are herein amended to make minor clarifications to the language therein and to recite a more consistent preamble. The claim amendments are not believed to change the scope of those claims.

New claims 11-14 are also added for examination. New independent claim 11 incorporates features of the image processing apparatus as recited for example in independent claim 1, and new dependent claims 12-14 correspond to new dependent claims 2-4.

In a Request for Reconsideration filed on February 16, 2010, detailed comments were presented as to how the claims as written are believed to clearly distinguish over the applied art. Applicants reiterate those comments noted below. However, applicants initially note in reply to those previously submitted comments the Advisory Action of March 18, 2010, states:

With respect to the rejection of the last office action mailed on 12/29/09, Applicant discusses the rejection and the claims and further argues that the prior art of record does not teach the claims limitations (see page 2+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Ellis further discloses that RAD-24, may be any suitable personal computer (PC), portable computer, notebook computer, palmtop computer, display remote, touch-screen remote....(personal digital assistance (PDA), etc. ([0092])), directly access the recording apparatus to set recording of a program by the recording apparatus by accessing a remote program information providing server (program or Service provided or TV-Distributor) through the Internet (Web Server) based on a user request to access the remote program information providing server (figs. 3 and 4, [0087]-[0088], [0092]-[0100] and [0195]-[0196]), note that the

RAD-24 is also a remote control that can directly access the recording apparatus and communicate (Internet) to a service provider via a Web server. Hence, Applicant's arguments are not persuasive, the rejection using the prior art of record, is proper, meets all the claims limitation. The finality of the last office action is hereby maintained..

Applicants submit the above-noted basis for maintaining the rejection only emphasizes that the rejection is improper.

The above-noted comments emphasize Ellis discloses the cited RAD-24 may be any suitable personal computer. However, the outstanding rejection does not appear to rely on that RAD-24 in Ellis to correspond to the claimed "personal computer". More specifically, the outstanding Office Action appears to cite the server 80 in Ellis to correspond to the claimed personal computer.

In that respect the Office Action states at page 3, last paragraph "A personal computer (*Server 80*, figs. 1-4 and 31-43)..." (emphasis added). That basis for the rejection again appears to emphasize in Ellis the noted server 80 is cited to correspond to the claimed "personal computer".

The outstanding rejection goes on to indicate the cited RAD-24 in Ellis corresponds to the claimed "information processing apparatus". Specifically, in the Office Action of December 29, 2009 at page 4, first line the Office Action states "An information processing apparatus "(Remote Access Device '*RAD*' 24, [0092]-[0094])..." (emphasis added). Thereby, the outstanding Office Action appears to clearly indicate in Ellis the RAD-24 is cited to correspond to the claimed "information processing apparatus".

Thereby, the above-noted statements maintaining the outstanding Advisory Action with respect to the RAD-24 being any suitable personal computer does not appear to actually be considering the claimed features or how the Office Action relied upon Ellis to meet the claimed features.

Applicants submit, as discussed further below and as set forth in the Request for Reconsideration filed February 16, 2010, the claims as currently written clearly distinguish over the application of Ellis against the claims.

**Ellis Does Not Teach or Suggest the “Personal Computer”**  
**Recited in Each of the Claims**

Independent Claim 1 recites:

a personal computer configured to (1) directly access a remote program information providing server through the internet based on a user request directly input to the personal computer by the user to obtain recording data for recording of a program from the remote program information providing server and (2) to directly access the recording apparatus to set recording of the program by the recording apparatus based on the obtained recording data;

The other independent claims recite similar features as in independent Claim 1.

As shown for example in Figure 1 in the present specification, an information processing system includes a personal computer 5 that can directly access a remote program information providing server 8 through the Internet based on a user request that is directly input into the personal computer by the user. The personal computer can further access the remote program information providing server 8 to obtain recording data for recording of a program and can directly access the recording apparatus 12 to set recording of the program from the server 8 by the recording apparatus 12 based on the obtained recording data.

Further, an information processing apparatus of a phone 1 or PDA 2 can access the remote program information providing server 8 through the Internet, without accessing the personal computer 5 or the recording apparatus 12. That is, the phone 1 or PDA 2 do not need to use the personal computer 5 or recording apparatus 12 as an intermediary for accessing the remote program information providing server 8 through the Internet. Further, as clear for example from Figure 1 the phone 1 or PDA 2 can directly transmit converted code information for setting a program recording to the recording apparatus 12.

The claims as currently written are directed to an information processing system that can make it easier to program a recording device. With respect to Figure 1 in the present specification as a non-limiting example, an information processing apparatus such as a computer 5, cell phone 1, or PDA 2 can operate to program a VCR 12 so that the VCR 12 records a specific program at a specific time. Such information processing apparatuses 1, 2, 5 can themselves, under a user control, access a server, such as server 8, which stores an electronic program guide (EPG). Such information processing apparatuses 1, 2, 5 under a user control can access the EPG on the server 8 through the internet and download information of a program desired to be recorded, which information can then be directly provided to a remote recording device 12 so that the recording device can perform the recording. Such an operation provides an enhanced and simplified way for a user of the information processing apparatuses 1, 2, 5 to select a program to be recorded and to have the recording device 12 record the selected program.

According to features in the claimed inventions a personal computer 5 can access a remote program information providing service through the internet, directly based on the user request, to access a remote program information providing server 8, and can thereby select a program to be recorded and to have a recording device 12 record the selected program.

Ellis discloses an interactive television program guide with remote access, and more particularly appears to utilize a dedicated remote program guide access device 24 to access a program guide distribution equipment 21.

Applicants initially note one grounds for the outstanding rejection relies on Ellis to meet the limitations of the claimed “personal computer” by the server 80 shown for example in Figure 31 in Ellis.<sup>1</sup> In that respect that element 80 shown in Figure 31 in Ellis is a

---

<sup>1</sup> Office Action of December 29, 2009, page 3, last paragraph.

centralized server for each of different user Television Equipment 1-3 (81-83) that may be distributed throughout a house. Such a noted server 80 in Ellis does *not*, however, operate:

...(1) to directly access a remote program information providing server through the internet based on a user request directly input to the personal computer by the user to obtain recording data for recording of a program from the remote program information providing server and to (2) directly access the recording apparatus to set recording of the program by the recording apparatus based on the obtained recording data;

Thereby, Ellis does not disclose or suggest the features directed to the “personal computer” as recited in each of the independent claims.

Applicants particularly note the server 80 in Figure 31 in Ellis only connects to user television equipments 1-3 (81-83), but does not receive any direct input from a user. In the claimed invention a personal computer such as element 5 in Figure 1 receives a direct input from a user, and then access a remote program information providing server 8. Clearly the server 80 in Figure 31 of Ellis does not operate in any similar manner as that element 80 is only a centralized server for different television equipment 1-3 (81-83) and *not for a direct user input*.

Applicants note the outstanding Office Action has not presented any comments to address the above-noted arguments as to why the features of the “personal computer” recited in each of the independent claims is not met by the noted server 80 in Ellis. The outstanding Office Action is in error in not properly considering that claimed feature.

**Ellis Further Does Not Disclose the “user controlled mobile telephone or personal digital assistant”, or the “transmission means”, “transmitting” operations, or “transmitter” Recited in the Claims**

According to features in the claimed inventions, an information processing apparatus of a mobile phone or PDA itself acquires, without needing an intermediary of the personal computer or recording apparatus, through the internet and under a user control, the control information for controlling recording of a program from a remote program information

providing apparatus, converts that information into code information, and directly transmits the code information to the remote recording apparatus. Further, that remote recording device confirms whether the information from the information processing apparatus properly sets a program preset recording and displays whether the program preset recording is proper or improper.

Independent claim 1 and new independent claim 11 recite:

a user controlled mobile telephone or personal digital assistant for acquiring, without accessing the personal computer or the recording apparatus, control information for controlling preset recording of a program by accessing a remote program information providing server through the internet based on a user request to access the remote program information providing server, and

transmission means for receiving said code information from said conversion means and for transmitting said code information obtained by said conversion means directly to said recording apparatus under control of said control means[.]

Independent claim 7 similarly recites:

under user control acquire control information through a mobile telephone or personal digital assistant, without accessing the personal computer or the recording apparatus, for controlling preset recording of a program by accessing a remote program information providing server through the internet based on a user request to access the remote program information providing server, and

a transmitter configured to receive said code information from said controller and to transmit said received code information directly to said recording apparatus under control of said controller[.]

Applicants submit the above-noted features are clearly neither taught nor suggested by Ellis.

With respect to the above-noted features of the transmitting device or operation the outstanding Office Action appears to cite disclosures in the remote access device (RAD) 24 in Ellis.<sup>2</sup>

Applicants submit Ellis does not disclose or suggest control means including a user controlled mobile telephone or PDA to acquire, *without accessing the personal computer or the recording apparatus*, control information for controlling preset recording of programs by accessing a remote program information providing server through the internet, or a transmission device that can transmit code information *directly* to a recording apparatus. Again with reference to Figure 1 in the present specification as a non-limiting example, each of a phone 1 and PDA 2, which can access a remote program information providing server 8 through the internet, without accessing the personal computer 5 or the recording apparatus 12, can *directly* transmit inverted code information for programming the recording apparatus to the recording apparatus.

In addressing the above-noted feature the outstanding Office Action states:

...Ellis further discloses that RAD-24, may be any suitable personal computer PC, portable computer, notebook computer, palmtop computer, display remote, touch-screen remote...(personal digital assistance PDA, etc. [0092], directly access the recording apparatus to set recording of a program by the recording apparatus by accessing a remote program information providing server (program provider) through the Internet ([Web] server) based on a user request to access the remote program information providing server (figs. 3 and 4, [0087-0088], [0092-0110] and [0195-0196]), note that the RAD 24 is also a remote control that can directly access the recording apparatus and communicate (Internet) to a service provider via a Web server.<sup>3</sup>

Initially, applicants note the above-noted statement in the Office Action includes a statement that does not appear to be based on any disclosures in Ellis. More specifically, the

---

<sup>2</sup> Office Action of December 29, 2009, page 4, first three paragraphs.

<sup>3</sup> Office Action of December 29, 2009, page 2.

above-noted comments state “note that the RAD-24 is also a remote control that can directly access the recording apparatus in communicate (Internet) to a service provider via a Web server.”

Applicants respectfully request that it be clearly pointed on the record where Ellis discloses the RAD-24 being able to directly access the Internet via a web server. Applicants submit Ellis does not appear to disclose such a feature, as discussed in further detail below. The above-noted rejection appears based on the position that Ellis discloses the RAD-24 being able to directly connect to the Internet via web server, but again no disclosure in Ellis has actually been cited for that proposition. Ellis does not appear to disclose or suggest that feature as Ellis specifically discloses the RAD-24 only connecting to a program guide equipment 17 over a specific link 19, which is clearly not a direct connection to the Internet through a web server.

Applicants reiterate the request that it be clearly stated on the record where the Office Action is relying upon Ellis to disclose the RAD-24 directly accessing the Internet through a web server.

Applicants submit the above-noted comments are not based on the actual disclosure in Ellis and appear to be misconstruing the disclosure in Ellis. As shown for example in Figures 2a to 2d, Ellis does **not** disclose or suggest the noted remote program guide access device 24 can both directly access a remote program information providing server through the Internet and directly transmit code information for setting a recording on a recording apparatus directly to the recording apparatus. In each instance Ellis discloses the remote program guide access device 24 must operate either through a user television equipment 22 or a television distribution facility 16.

The above-noted grounds for maintaining the rejection has not pointed to any actual disclosure in Ellis that indicates the noted RAD-24 can directly access the Internet without



accessing the personal computer or the recording apparatus and directly transmit code information for programming the recording apparatus to the recording apparatus.

In contrast to Ellis, and again with reference to Figure 1 in the present specification as a non-limiting example, the phone 1 or PDA 2 can access the remote program information providing server 8 through the Internet directly, and can also directly transmit recording information directly to the recording apparatus 12. The remote program guide access device 24 cited in Ellis is not disclosed or suggested as performing both such direct functions.

The outstanding rejection appears to be based on the position that a personal computer or PDA can in general have direct access to the Internet and a communication device, but that is simply not the operation disclosed in Ellis. Applicants also draw attention to paragraph [0093] of Ellis that specifically states:

[0093] Remote program guide access device 24 may also have communications device 58. Communications device 58 may be any device suitable for supporting communications between remote program access device 24 and interactive television program guide equipment 17 *over link 19*, such as a communications port..., modem, ... network interface card..., wireless transceiver..., or other suitable communications device.

From the above-noted disclosure it is clear Ellis discloses the remote program access device 24 must communicate over a link 19 with a television program guide equipment 17. As clear from Figures 2a-2d in Ellis the remote program guide access device 24 via the link 19 connects to the user television equipment 22 or the television distribution facility 16, but does not directly access a remote program information providing server through the Internet and does not directly transmit recording information directly to the recording apparatus. The outstanding rejection appears based on the position that a computer or PDA can operate for such direct contacts, but that is simply not the disclosure as to how the device in Ellis

operates. Applicants submit the outstanding rejection must consider the actual disclosure in Ellis when applying Ellis against the claims.

In view of the foregoing comments applicants respectfully submit each of the claims as currently written positively recite features neither taught nor suggested by Ellis, and thus the claims as written are allowable over Ellis.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.

Customer Number

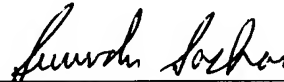
**22850**

Tel: (703) 413-3000

Fax: (703) 413-2220

(OSMMN 06/04)

3628235\_1.DOC



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Surinder Sachar  
Registration No. 34,423